

COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

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FRAMINGHAM'S REQUEST FOR  
DETERMINATION OF RATES APPLICABLE TO  
TRANSPORTATION AND TREATMENT OF SEWAGE  
PURSUANT TO INTERMUNICIPAL AGREEMENT

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) D.T.E. 02-46  
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**JOINT MOTION TO MODIFY DTE PROCEDURAL SCHEDULE**

The parties, Town of Ashland and Town of Framingham, jointly move to modify the Procedural Schedule issued by the D.T.E. on January 6, 2003 ("Procedural Schedule"). The parties have proposed that the Procedural Schedule be revised as per attached Exhibit A ("Ashland's Proposed Schedule") or Exhibit B ("Framingham's Proposed Schedule"). The parties state that in order for due process and fairness to prevail, it is important that the Procedural Schedule be modified for numerous reasons. First, given the recent flurry of events for which the parties have had to prepare (e.g., the site visit on January 15, 2003, the settlement conferences scheduled and re-scheduled for the weeks of January 19, 2003, January 26, 2003 and February 2, 2003), the parties had insufficient time to prepare the discovery responses due on January 31, 2003. In addition, during the period from December 26, 2002 until January 31, 2003 (excluding the site visit on January 15, 2003), due to serious medical issues, lead counsel for the Town of Ashland, David Thomas, was largely unable to participate fully, review documents and brief the Board of Selectmen regarding the current status. Furthermore, the DTE still has not provided a ruling on the parties' positions regarding whether or not the DTE has the authority to make retrospective awards. This issue will obviously have a dramatic impact on the parties' positions, especially those concerning discovery.

In light of the foregoing, the parties believe it is unrealistic to set the deadlines per the current Procedural Schedule. Ashland requests the modifications indicated on Exhibit A.

Framingham requests the modifications indicated on Exhibit B.

WHEREFORE, the Towns of Ashland and Framingham respectfully request that the Department, in the interest of fairness and due process for both parties and their citizenry, modify the Procedural Schedule either as proposed in Exhibit A or as proposed in Exhibit B.

Respectfully submitted by  
The Town of Ashland by its attorneys,

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Dated:\_\_\_\_\_

Respectfully submitted by  
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